

products thereof that are most useful to eligible recipient agencies, including, but not be<sup>1</sup> limited to, dairy products, wheat or the products thereof, rice, honey, and cornmeal.

**(e) Report to Congress**

Effective April 1, 1986, the Secretary shall submit semiannually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the types and amounts of commodities made available for distribution under this chapter.

**(f) Relation to other programs**

Notwithstanding any other provision of law, the programs authorized by section 713a-14 of title 15 and section 1163 of the Food Security Act of 1985 shall not be operated in a manner that will, in any way, reduce the quantities of dairy products that traditionally are made available to carry out this chapter or any other domestic feeding program.

**(g) Donations to emergency feeding organizations**

(1) Whenever commodities acquired by the Commodity Credit Corporation are made available for donation to domestic food programs in quantities that exceed Federal obligations, the Secretary shall give equal consideration to making donations of such commodities to emergency feeding organizations participating in the program authorized by this chapter as is given to other commodity recipient agencies, taking into account the types and amounts of commodities available and appropriate for distribution to these organizations.

(2) In determining the commodities that will be made available to emergency feeding organizations under this chapter, the Secretary may distribute commodities that become available on a seasonal or irregular basis.

(Pub. L. 98-8, title II, §202, Mar. 24, 1983, 97 Stat. 35; Pub. L. 98-92, §2(3), (4), Sept. 2, 1983, 97 Stat. 609; Pub. L. 99-198, title XV, §§1564(a), 1565(a), Dec. 23, 1985, 99 Stat. 1591; Pub. L. 100-77, title VIII, §811, July 22, 1987, 101 Stat. 536; Pub. L. 100-435, title I, §101, Sept. 19, 1988, 102 Stat. 1647; Pub. L. 101-624, title XVII, §1772(b), Nov. 28, 1990, 104 Stat. 3808.)

REFERENCES IN TEXT

The Agricultural Adjustment Act of 1938, referred to in subsec. (a)(4), is act Feb. 16, 1938, ch. 30, 52 Stat. 31, as amended, which is classified principally to chapter 35 (§1281 et seq.) of this title. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

The Agricultural Act of 1949, referred to in subsec. (a)(4), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§1421 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

The Commodity Credit Corporation Charter Act, referred to in subsec. (a)(4), is act June 29, 1948, ch. 704, 62 Stat. 1070, as amended, which is classified generally to subchapter II (§714 et seq.) of chapter 15 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 714 of Title 15 and Tables.

<sup>1</sup> So in original. The word "be" probably should not appear.

Section 1163 of the Food Security Act of 1985, referred to in subsec. (f), is section 1163 of Pub. L. 99-198, which is set out as a note under section 1731 of this title.

AMENDMENTS

1990—Subsec. (g). Pub. L. 101-624 added subsec. (g).

1988—Subsec. (f). Pub. L. 100-435 added subsec. (f).

1987—Subsec. (a). Pub. L. 100-77, §811(b), inserted subsec. (a) designation.

Subsec. (d). Pub. L. 100-77, §811(a), inserted "a variety of commodities and products thereof that are most useful to eligible recipient agencies, including" after "shall include".

1985—Pub. L. 99-198, §1565(a), struck out subsec. (a) designation and struck out subsec. (b) which read as follows: "Notwithstanding any other provision of law, if wheat stocks acquired by the Commodity Credit Corporation are not available for the purposes of this chapter, up to 300,000 metric tons of wheat designated under section 1736f-1(b)(1) of this title may be used for the purposes of this chapter. Any amount of wheat used from the Food Security Wheat Reserve under this chapter shall be replenished by an equivalent quantity of wheat under the provisions of section 1736f-1(b) of this title as soon as practicable, but before October 1, 1985."

Subsecs. (c) to (e). Pub. L. 99-198, §1564(a), added subsecs. (c) to (e).

1983—Subsec. (a). Pub. L. 98-92, §2(3), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Notwithstanding any other provision of law, commodities acquired by the Commodity Credit Corporation that are in excess of quantities needed for the fiscal year to carry out a payment-in-kind acreage diversion program, maintain U.S. share of world markets, and meet international market development and food aid commitments, shall be made available by the Secretary of Agriculture (hereinafter in this chapter referred to as the 'Secretary') without charge or credit in such fiscal year for use by eligible recipient agencies. Upon request, commodities provided by the CCC shall be provided in a form suitable for individual household or institutional use."

Subsec. (b). Pub. L. 98-92, §2(4), substituted "may be used" for "shall be used" and directed the substitution of "October 1, 1985" for "December 1, 1983", which was executed by making the substitution for "December 31, 1983" to reflect the probable intent of Congress.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-435 to be effective and implemented on Sept. 19, 1988, see section 701(b)(1) of Pub. L. 100-435, set out as a note under section 2012 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Section 2 of Pub. L. 98-92 provided in part that the amendment made by that section is effective Oct. 1, 1983.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7501, 7514 of this title.

**§ 7503. State plan**

**(a) In general**

To receive commodities under this chapter, a State shall submit a plan of operation and administration every 4 years to the Secretary for approval. The plan may be amended at any time, with the approval of the Secretary.

**(b) Requirements**

Each plan shall—

(1) designate the State agency responsible for distributing the commodities received under this chapter;

(2) set forth a plan of operation and administration to expeditiously distribute commodities under this chapter;

(3) set forth the standards of eligibility for recipient agencies; and

(4) set forth the standards of eligibility for individual or household recipients of commodities, which shall require—

(A) individuals or households to be comprised of needy persons; and

(B) individual or household members to be residing in the geographic location served by the distributing agency at the time of applying for assistance.

**(c) State advisory board**

The Secretary shall encourage each State receiving commodities under this chapter to establish a State advisory board consisting of representatives of all entities in the State, both public and private, interested in the distribution of commodities received under this chapter.

(Pub. L. 98-8, title II, §202A, as added Pub. L. 100-77, title VIII, §812, July 22, 1987, 101 Stat. 537; amended Pub. L. 104-193, title VIII, §871(b), Aug. 22, 1996, 110 Stat. 2344.)

AMENDMENTS

1996—Pub. L. 104-193 amended section generally, substituting present provisions for provisions relating to availability of flour, cornmeal, and cheese acquired by the Commodity Credit Corporation.

**§ 7504. Initial processing costs**

The Secretary may use funds of the Commodity Credit Corporation to pay costs of initial processing and packaging of commodities to be distributed under the program established under this chapter into forms, and in quantities, suitable, as determined by the Secretary, for use in individual households when such commodities are to be consumed by individual households or for institutional use, as applicable. The Secretary may pay such costs in the form of Corporation-owned commodities equal in value to such costs. The Secretary shall ensure that any such payments in kind will not displace commercial sales of such commodities.

(Pub. L. 98-8, title II, §203A, as added Pub. L. 98-92, §2(5), Sept. 2, 1983, 97 Stat. 609; amended Pub. L. 99-198, title XV, §1565(b), Dec. 23, 1985, 99 Stat. 1591.)

AMENDMENTS

1985—Pub. L. 99-198 struck out “, except that wheat from the Food Security Wheat Reserve may not be used to pay such costs” after “equal in value to such costs”.

EFFECTIVE DATE

Section 2 of Pub. L. 98-92 provided in part that this section is effective Oct. 1, 1983.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7505, 7509 of this title.

**§ 7505. Federal and State responsibilities**

**(a) Federal responsibility; optional State priority**

The Secretary shall, as expeditiously as possible, provide the commodities made available under this chapter in such quantities as can be used without waste to State agencies designated by the Governor or other appropriate State official for distribution to eligible recipient agen-

cies, except that the Secretary may provide such commodities directly to eligible recipient agencies and to private companies that process such commodities for eligible recipient agencies under sections<sup>1</sup> 7504 of this title. Notwithstanding any other provision of this chapter, in the distribution of commodities under this chapter, each State agency shall have the option to give priority to existing food bank networks and other organizations whose ongoing primary function is to facilitate the distribution of food to low-income households, including food from sources other than the Department of Agriculture.

**(b) Distribution by State agencies; priority; rural areas**

State agencies receiving commodities under this chapter shall, as expeditiously as possible, distribute such commodities, in the quantities requested (to the extent practicable), to eligible recipient agencies within their respective States. However, if a State agency cannot meet all requests for a particular commodity under this chapter, the State agency shall give priority in the distribution of such commodity to eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons. Each State agency shall encourage distribution of such commodities in rural areas.

**(c) Distribution to needy persons**

Each State agency receiving commodities for individual household use under this chapter shall distribute such commodities to eligible recipient agencies in the State that serve needy persons, and shall, with the approval of the Secretary, determine those persons in the State that shall qualify as needy persons eligible for such commodities.

**(d) Cooperative agreements with adjoining States**

Each State agency receiving commodities under this chapter may—

(1) enter into cooperative agreements with State agencies of other States for joint provision of such commodities to an emergency feeding organization that serves needy persons in a single geographical area part of which is situated in each of such States; or

(2) transfer such commodities to any such emergency feeding organization in the other State under such agreement.

(Pub. L. 98-8, title II, §203B, as added Pub. L. 98-92, §2(5), Sept. 2, 1983, 97 Stat. 610; amended Pub. L. 99-198, title XV, §1568, Dec. 23, 1985, 99 Stat. 1592; Pub. L. 100-435, title I, §105(c), Sept. 19, 1988, 102 Stat. 1651; Pub. L. 104-193, title VIII, §871(e)(1), Aug. 22, 1996, 110 Stat. 2345.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-193 substituted “203A”, which was translated as “section 7504 of this title”, for “203 and 203A of this Act”.

1988—Subsec. (a). Pub. L. 100-435 inserted at end “Notwithstanding any other provision of this chapter, in the distribution of commodities under this chapter,

<sup>1</sup> So in original. Probably should be “section”.